



US Application No. 09/553,223

Patent
14380-0034

PATENT

CERTIFICATE OF MAILING

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Shauna Murray
Shauna Murray

Applicant: **Gregory B. Williams**

Serial No.: 09/553,223

Filed: 04/20/2000

Title: **A COMBINED RAPID
SUSCEPTIBILITY ASSAY
AND MICROORGANISM
IDENTIFICATION SYSTEM**

EXAMINER: P. WEBER

Group Art Unit: 1651

Atty Docket No.: Dade 14380-34 (formerly
14598-34)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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AMENDMENT AND REMARKS

Dear Sir:

Responsive to the Office Action mailed August 26, 2003, Applicant responds as follows.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.

Responsive to the Office Action mailed August 26, 2003, Applicants responds as follows.

This is a continuing application under 37 CFR 1.114. Claims 43-60 originally were presented for examination and claims 53-59 were withdrawn from consideration as being directed to a non-elected invention. Claims 43-53 and 60 are pending in the present application. All pending claims stand rejected under 35 U.S.C. § 112, first paragraph for lack of enablement. Additionally, claim 51 has been objected to for an informal misspelling. No claims are allowed. This Action is not final.

Amendments to the Claims:

This listing of the claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

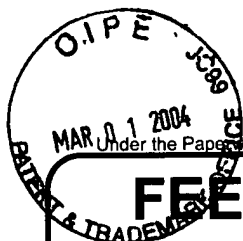
Please amend Claims 43, 51, and 60 to read as follows:

1-42. (cancelled)

43. (currently Amended) A method for the rapid determination of a microorganism's identity and susceptibility to an antimicrobial agent comprising:
preparing a sample to be tested;

inoculating a hybrid panel having a plurality of wells with said sample, wherein said hybrid panel comprises a modified clear plastic microtiter plate having wells, said wells having clear bottoms and clear side walls for rapidly determining said microorganism's identity using fluorescence in parallel with wells for rapidly determining said microorganism's susceptibility to at least one antimicrobial agent;

placing said inoculated hybrid panel into a device that maintains said inoculated hybrid panels at a predetermined temperature for a predetermined time;



FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 950

Complete if Known

Application Number 09/553,223
Filing Date 04/20/2000
First Named Inventor Gregory B. Williams
Examiner Name P. Weber
Art Unit 1651
Attorney Docket No. 14380-34 (formerly 14598-34)

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METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number
Deposit
Account
Name

50-1329

Stradling, Yocca, Carlson & Rauth

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below		Fee Paid
Total Claims		-20** =		X		
Independent Claims		-3** =		X		
Multiple Dependent						

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for ex parte reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	110	2251	55	Extension for reply within first month
1252	420	2252	210	Extension for reply within second month
1253	950	2253	475	Extension for reply within third month
1254	1,480	2254	740	Extension for reply within fourth month
1255	2,010	2255	1,005	Extension for reply within fifth month
1401	330	2401	165	Notice of Appeal
1402	330	2402	165	Filing a brief in support of an appeal
1403	290	2403	145	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	110	2452	55	Petition to revive - unavoidable
1453	1,330	2453	665	Petition to revive - unintentional
1501	1,330	2501	665	Utility issue fee (or reissue)
1502	480	2502	240	Design issue fee
1503	640	2503	320	Plant issue fee
1460	130	1460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))
1801	770	2801	385	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 950

SUBMITTED BY

Name (Print/Type) Louis C. Cullman
Registration No. 39,645
Telephone 949-725-4154
Signature [Signature]
Date February 25, 2004

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PTO/SB/21 (08-03)
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/553,223	
	Filing Date	April 20, 2004	
	First Named Inventor	Gregory B. Williams	
	Art Unit	1651	
	Examiner Name	P. Weber	
Total Number of Pages in This Submission	13	Attorney Docket Number	14380-34

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ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Louis C. Gullman	
Signature		
Date	2/25/04	

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Typed or printed name	Shauna Murray		
Signature		Date	2/25/04

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